

REMARKS

Claims 1-14 are presently pending in the application. Claim 14 has been cancelled. Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, for lack or written description; under 35 U.S.C. §112, first paragraph, for lack of enablement; and under 35 U.S.C. §102(e), for lack of novelty. The Examiner has also objected to the claimed priority status and the improper identification of a trademark in the specification. Applicants address each of these rejections as follows.

Claim Amendments

Claims 1, 5, 6, and 11 have been amended. Support for the present amendment is found, for example, on page 8, lines 14-18, of the specification. No new matter is added by the present amendment.

Priority

Following the present claim amendment, the rejection of claims 1-13 under 35 U.S.C. §112, first paragraph, for lack of written description and enablement, should be removed. The presently claimed invention (SEQ ID NO: 10) was disclosed in PCT Application No. PCT/IB00/0673. Therefore, Applicants seek the benefit of the filing date of PCT/IB00/0673, which is May 19, 2000.

Objection to Specification

Applicants have amended the specification to indicate the proprietary nature of the trademark. The objection to the specification should now be removed.

Rejections under 35 U.S.C. §112, first paragraph, for lack of written description

Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, for lack of written description. The Examiner states “the specification does not describe with any degree of particularity the overexpression of the gene encoding this polypeptide in samples comprising any type of neoplastic cell, other than prostate cancer” (Office Action, page 5.) Furthermore, the Examiner objects to the phrase “natural or synthetic ligand of the polypeptide of SEQ ID NO: 10” in claim 11.

Applicant has suitably amended claims 1, 5, 6, and 11 to remove the written description rejection. Therefore, the Applicant respectfully requests that the rejection of claims 1-13 under 35 U.S.C. §112, first paragraph, for lack of written description, be removed.

Rejections under 35 U.S.C. §112, first paragraph, for lack of enablement

In addition, Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. The Examiner objects that the present specification fails to enable a method for detecting any neoplastic cell in a sample comprising determining the amount

of a polypeptide comprising the sequence of SEQ ID NO: 10 in a sample relative to a non-neoplastic control. Furthermore with regard to claim 11, Examiner states that “natural or synthetic ligand[s] of the polypeptide of SEQ ID NO: 10” are not described in the specification.

Applicant has appropriately amended claims 1, 5, 6, and 11 to remove the enablement rejection. Therefore, the Applicant respectfully requests that the rejection of claims 1-13 under 35 U.S.C. §112, first paragraph, for lack of enablement, be removed.

Rejection under 35 U.S.C. §102(e)

Claims 1-13 are rejected under 35 U.S.C. §102 as being anticipated by Dong et al. (U.S. Patent Application Publication No. 2004/0137455 A1). The '455 application is the National stage entry of PCT Application No. PCT/AU02/00378, which has an International publication date of October 2, 2002, and a priority date of March 27, 2001. As both of these dates follow the presently claimed priority date of the present application (May 19, 2000), the rejection is moot.

CONCLUSION

Applicants submit that the application is now in condition for allowance, and such action is hereby respectfully requested.

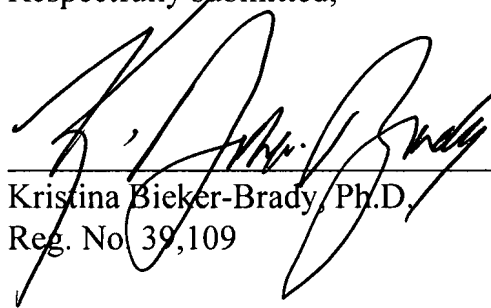
Applicants reserve the right to prosecute cancelled subject matter in subsequent application filings.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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